

## **REMARKS**

### **I. Status of the Claims:**

Claims 1-15 and 17-29 were pending in the application prior to this submission. All of the pending claims were rejected by the Examiner in the previous Non-final Office Action.

Claims 1, 14, 17 and 28 have been amended herein. No new matter has been introduced with this response, and thus, entry and reconsideration are respectfully requested.

### **II. Response to Rejections Under 35 U.S.C. §103:**

Claims 1-4, 6-10, 13-15, 17-23 and 25-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Windows Task Manager, (c) 1981-2001, MS Corp. (hereafter "Task") in view of NeXT Step 3.3, (c) 1995 by NeXT Computer Inc. (hereafter "NeXT"). Claims 5 and 24 also stand rejected as being unpatentable over Task in view of NeXT and further in view of US 2002/0191029 to Gillespie et al. (hereafter "Gillespie"). Claims 11-12 also stand rejected as being unpatentable over Task in view of NeXT and further in view of U.S. 5,910,802 to Shields et al. ( hereafter "Shields"). In particular, the Examiner alleges that each and every limitation of claims 1-15 and 17-29 is obvious in view of the above combinations of the cited references.

Reconsideration of this application is respectfully requested in view of the claim amendments and remarks now presented herein. For example, amended claim 1 now recites:

1. (Currently Amended) A device comprising a processor configured to:
  - receive a request for access to a menu from a user;
  - compile the requested menu, said menu including a list of menu options associated with active applications and inactive applications;
  - determine whether an application associated with a menu option is operating in an active mode as set by the user of the device or inactive and associate a corresponding status indicator with the menu option;
  - display the list of menu options, where the presentation of a particular menu option includes a non-textual indication of the associated status indicator;
  - receiving a notification of a selected one of said menu options; and
  - providing access to an application associated with the selected menu option, whether said application is active or inactive when selected.

Support for the amendments presented herein may be found on at least pages 2-3 of the PCT application. These amendments seek to further clarify distinguishable aspects of the present invention, as claimed, with respect to the cited references. For example, amended claim

1 further clarifies that the associated status indicators displayed with the menu options indicate whether applications are operating in an active mode as set by the user of the device or inactive.

On the contrary, both the Task and NeXT references are directed to displaying the current execution status only applications that have been invoked in a device. In particular, only the applications that are attempting to execute, either by automatic invocation or user selection, will appear in a task manager. While a task manager will also indicate whether the applications are “running” or “not responding,” the task manager will not indicate applications that were set to operate in active mode by a user of the device. Further, NeXT may signal that an application is attempting to execute through visual changes to a corresponding icon, but these changes in visual disposition do not reveal an operational mode for the application as set by the device user. As a result, neither Task nor NeXT recite or imply the limitations of claim 1, as amended herein.

Moreover, it is respectfully asserted that the Gillespie and Shields references are specifically directed to user interfaces for the display of icons in a touch screen environment. In particular, both Gillespie and Shields describe the representation of apparatus interface controls in a touch-based environment. The references do not teach or suggest the limitations of claim 1, as amended herein, and thus, do not rectify the deficiencies of Task and Next as identified above.

Applicants also respectfully assert that dependent claim 7 is distinguishable from the cited references, taken alone or in combination. In addition to depending from claim 1, claim 7 is also distinguishable from NeXT because NeXT does not recite or imply (emphasis added): “... produce an alert where a menu option corresponding to the position of the focus region is associated with an active status indicator.” Page 5 in NeXT, as cited by the Examiner, simply describes a situation where an icon may reflect that an application is starting (“while it’s starting up, the icon is highlighted in white, as shown above”). There is no discussion in NeXT of alerts being created when selected icons correspond to applications that are set to operate in an active mode by a user. As a result, the NeXT reference does not recite or imply dependent claim 7.

In view of the above, it is respectfully asserted that amended claim 1 and claim 7, as previously presented, are distinguishable from any or all of the cited references. The other independent claims have been amended in a manner similar to claim 1, and are also asserted to be distinguishable. Likewise, claim 19 is similar to claim 7. Any pending claim not addressed above is distinguishable at least for depending from the independent claims. Thus, Applicants respectfully request that the 35 U.S.C. §103(a) rejection to the above claims now be withdrawn.

### CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration, withdrawal of the claim objections/rejections and allowance of this application.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

### AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required by this response, or credit any overpayment to Deposit Account No. 504827, Order No. 1004289.216US (4208-4252).

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 504827, Order No. 1004289.216US (4208-4252).

Respectfully submitted,  
LOCKE LORD BISSELL & LIDDELL, LLP.

Dated: November 4, 2009

By:



Elliot Frank  
Registration No. 56,641

### Correspondence Address:

LOCKE LORD BISSELL & LIDDELL, LLP  
3 World Financial Center  
New York, NY 10281-2101  
(212) 415-8600 Telephone  
(212) 303-2754 Facsimile